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OCT 28 2004

OFFICE OF PETITIONS

In re Application of :
Lorenz et al. :
Application No. 10/828,488 :
Filed: April 20, 2004 :
For: PROCESS FOR FORMING :
AMORPHOUS ATORVASTATIN : ON PETITION

This is a decision on the petition in Response to Notice of Incomplete Nonprovisional Application, filed October 8, 2004, requesting the application be accorded a filing date of April 20, 2004, including 3 pages of drawings described in the specification.

The petition is granted.

The application was filed on April 20, 2004. However, on September 23, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, noting that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response, Petitioner files the instant petition wherein Petitioner avers that 3 pages of drawings were originally filed with the application on April 20, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 3 pages of drawings (Fig. 1-14) on April 20, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 3 pages of drawings on April 20, 2004. Petitioner has also re-submitted 3 pages of drawings, comprising Figures 1 - 3, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the postcard against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of 3 pages of drawings, supplied on October 8, 2004, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of April 20, 2004, and an indication that 3 pages of drawings were present on filing, using the 3 pages of drawings filed on October 8, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Petitions Attorney
Office of Petitions